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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,870	11/04/2003	Tomoyuki Asahara	1163-0482P	5118
2292	7590	11/18/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			NGUYEN, CUONG H	
			ART UNIT	PAPER NUMBER
			3661	
DATE MAILED: 11/18/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,870

Applicant(s)

ASAHARA, TOMOYUKI

Examiner

CUONG H. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/03, 3/05, 11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Status of the claims

1. Claims 1-7 are currently pending.

Priority

2. This application has a JP priority dated 1/07/2003

Drawing

3. This application has been filed with 5 sheets of formal drawings, and they are accepted for examinations.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Narioka (US Pat. 6,148,090).**

Narioka teaches a navigation system using Internet (see Narioka, Fig.3), comprising:

- communication means for receiving information on a specific point via a predetermined communication line (see Narioka, Fig.2 refs. ST3-ST7, ST15, ST16);
- display control means for displaying on predetermined display means an image that contains information on the specific point received by the communication means (see Narioka, Figs.3, 5);
- character data extracting means (see Narioka, "cross information"/ "passing point information" in the abstract; claims 1-5, 11) for extracting character string data of

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specific information on the specific point from among images displayed on the display control means; and

- route searching means for searching routes (see Narioka, col.1 lines 13-23) based on conditions set in position information on the specific point received by the communication means, and in the specific information extracted by the character data extracting means (see Narioka, "cross information"/ "passing point information" in the abstract; claims 1-5, and 11).

Narioka also discloses communication means receives information on the specific point from home pages on the Internet (see Narioka, Fig.2 ref.ST15 "INPUT/OUTPUT PORT", and from the reference "Geosystems' MapQuest Unveils the Most Customizable Driving Directions Available on the Web," Geosystems Global Corporation press release, May 27, 1997, located at URL: http://www.geosys.com/cgi-bin/genobject/pr_MQcustdirections/tig75b5 .") .

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3-5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narioka (US Pat. 6,148,090).

A. As to dependent claim 3: Narioka does not explicitly disclose that a character data extracting means extracts character string data of **time** information from among displayed images.

However, Narioka teaches an extracting means is used to obtain required least time between two points on the map (see Narioka, claim 5)

- It would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the above disclosure of Narioka to disclose a character data extracting means extracts character string data of time information from among displayed images for the advantage of showing an extra necessary data such as an optimum required time.

B. As to dependent claim 4: Narioka's system searches for routes (see Narioka, col. 1 lines 13-23). The examiner respectfully submits that "through which a user will be able to reach the specific point by the time set in the time information extracted by the character data extracting means" is for intended use of that system claim.

Further, Narioka is silent that extracted time information are used by a driver.

However, this is also considered as an alternative estimation of a required time to reach a destination because a driver is acknowledge of a fundamental calculation for $\text{distance} = \text{time} \times \text{velocity}$; wherein velocity is provided by that vehicle's odometer, distance is provided by Narioka's navigation system.

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Narioka's system by adding time information in displayed images for the convenience of a driver to know extra information such as a required driving time to a destination.

C. As to dependent claim 5: Narioka does not teach that extracted time/charge information are among displayed images.

However, this specific “information” are considered as non-functional descriptive material that do not change the claimed of a navigation system. Narioka’s system is capable to show time/charge information in displayed images in addition to text information (see Narioka, claims 5, and 15).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Narioka’s system by adding time information in displayed images for the advantage of a driver to estimate extra required driving time/charge information to get to a destination.

D. As to dependent claim 7: Narioka does not disclose that a display control means displays a message representative of the failure is Point of Interest (POI) data.

However, Narioka’s navigation system has a display control means to displays information; wherein that information may be an input failure (e.g., entering a wrong street/POI name that the navigation system could not recognize; Narioka’s navigation system would issue a message for searching failures.

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Narioka’s system by displaying a message representative of the failure is Point of Interest (POI) data to acknowledge a driver of a corrected input should be entered for a search result on that navigation system.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narioka (US Pat. 6,148,090) in view of Dukach et al. (PUB No. US 2004/0036622 A1)

Narioka teaches a route searching means; he does not teach that “the sum of charges obtained by adding a charge set in the charge information extracted by the

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character data extracting means and a charge to be incurred to the specific point does not go beyond the previously set charge”.

However, a navigation system on a taxi-cab would give information about charge information of a trip to a rider (see Dukach et al., para. [0201] and para. [0160]).

It would be obvious to one of ordinary skill in the art at the time of invention to implement Narioka's system with Duckach et al. by disclose that “the sum of charges obtained by adding a charge set in the charge information extracted by the character data extracting means and a charge to be incurred to the specific point does not go beyond the previously set charge” for the advantage of a taxi rider to acknowledge about a clear and accurate control of taxi charges is disclosed in advance.

Conclusion

7. Claims 1-7 are not patentable.

8. The prior art made of record, which are listed in PTO-892, and not relied upon are considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:00 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.


CUONG H. NGUYEN
Primary Examiner
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